



**DEPARTMENT OF CORRECTIONS
MONTANA STATE PRISON
OPERATIONAL PROCEDURE**

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| Procedure No.: MSP 3.5.5 | Subject: BEHAVIOR MANAGEMENT PLANS | | |
| Reference: DOC Policy 3.5.5 | | p.1 of 6 and 4 attachments | |
| Effective Date: April 5, 1999 | | Revision: new effective date – February 27, 2013 | |
| Signature / Title: Leroy Kirkegard / Warden | | | |

I. PURPOSE:

To use a comprehensive strategy to deal with, and try to end, an inmate's repeated dangerous, disruptive, and/or assaultive conduct that isn't associated with serious mental illness by taking privileges and items the inmate has in his cell away from him and returning them in intervals when the inmate demonstrates he can conform his conduct and be free of dangerous and assaultive behaviors.

II. DEFINITIONS:

Activate the Plan - when there is a Behavior Management Plan (BMP) in place, it may be activated when an inmate engages in dangerous and/or assaultive conduct. Housing unit staff will place the inmate on Step #1 of the BMP when it is activated.

Assaultive Conduct - conduct in which an inmate attacks another person. Examples include, but are not limited to instances in which an inmate throws offensive items such as bodily substances or fluids; constantly barrages another with threatening or verbal assaults; and/or attacks another with or without a weapon.

Dangerous Conduct - conduct that threatens the security and/or orderly operation of the facility, encourages or incites a disruptive atmosphere, or creates a serious health hazard. Dangerous conduct may include destruction of state property, sexual misconduct, and self-injurious conduct if the self-injurious conduct is not the result of a serious mental illness.

Behavior Management Plan (BMP) - a plan on which the prison places an inmate to end the inmate's assaultive and/or dangerous conduct.

Mental Health Professional - a staff member who works at MSP in one of the following positions: Psychiatrist, Mental Health Director, Psychologist, Clinical Therapist, and Psychiatric Nurse.

Serious Mental Illness - a clinical disorder of thought, mood or anxiety included under Axis I of the DSM; e.g., schizophrenia, major depression, bi-polar disorder, PTSD, or panic disorder and inmates who were previously diagnosed with such mental illness unless there is certification in the record that the diagnosis has been changed or altered as a result of a subsequent mental health evaluation by a licensed mental health professional. It does not include personality disorders; i.e., borderline, antisocial, or paranoid personality disorders.

III. PROCEDURES:

A. Steps of a BMP

1. Step #1:

- a. The inmate will have all items removed from his cell.
 - 1) He will receive a security mattress,
 - 2) security blanket, and

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- 3) safety gown.
 - b. On Step #1 meals will consist of only food loaf delivered on a paper towel.
 - c. If the plan seeks to end the inmate's previous flooding behavior, the water supply in the inmate's cell will be controlled by staff.
 - d. To progress to Step #2 the inmate must not engage in any disruptive conduct for the next 48 hours.
 - e. Staff will observe an inmate on Step #1 at random intervals, but must conduct a minimum of three welfare checks during every shift, and document the appropriate information on the inmate's Locked Housing Security Check Sheet.
2. Step #2:
 - a. In Step #2 unit staff will issue the inmate a pillow and exchange the safety gown with regular state-issue unit clothing.
 - b. On Step #2 meals will continue to consist of only food loaf delivered on a paper towel.
 - c. To progress to Step #3 the inmate must not engage in any disruptive conduct for the next 24hours.
3. Step #3:
 - a. Unit staff will return control of the water supply in the cell to the inmate if it had been remotely controlled by staff to prevent the inmate from flooding.
 - b. Staff will give the inmate on Step #3 regular meals in place of the food loaf.
 - c. In Step #3 unit staff will replace the security mattress and blanket with regular state-issue unit bedding.
 - d. To get the BMP deactivated, and have all privileges that are appropriate to the inmate's custody level reinstated, the inmate must not engage in any disruptive conduct for the next 24hours.
4. An inmate who is on an activated BMP must maintain basic hygiene and must keep his cell clean or he will be returned to Step #1. He will be offered showers every two days.
5. If an inmate on an activated BMP, who initially has control of his cells water supply, uses an item such as clothing, bedding, or food to plug the plumbing, unit staff will take control of the cell's water supply and the inmate will be returned to Step #1 of the BMP.
6. An inmate on an activated BMP will not be offered out-of-cell recreation.
7. A BMP will remain in place for the entire six months and can be activated or reactivated at any time during this six month period if the inmate engages in any assaultive and/or dangerous conduct.

B. BMP Clearance

1. When locked housing unit staff have documentation that shows the inmate has a history of repeated episodes of assaultive and/or dangerous conduct within the last six months, and when other management tools have not prevented or stopped the assaultive and/or dangerous behavior, they will complete a *BMP Clearance Referral form (attachment A)* and submit it to the Mental Health Department.
2. Mental health staff will place the inmate's name on the BMP clearance list if, after conducting an assessment, they find that:
 - a. The assaultive and/or dangerous behavior is not the direct result of an Axis I serious mental illness.
 - b. The inmate is knowingly, willingly and purposely engaging in the assaultive

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and/or dangerous behaviors.

c. A higher level of mental health care or observation is not indicated.

d. The inmate's mental status is not presently deteriorated or deteriorating.

C. Inmate Notification

1. If the inmate's name is on the current BMP clearance list, and the unit team feels that the inmates disruptive behavior is reaching a level where a BMP may get the inmate to conform his conduct and be free of dangerous and assaultive behaviors, the Unit Manager or designee will complete a *BMP Clearance Notification form (attachment B)* and review it with the inmate.
2. The BMP Clearance Notification form must include the following information:
 - a. The specific assaultive and/or dangerous conduct in which this inmate has engaged, so as to necessitate placement on a BMP;
 - b. The actions that will be taken to attempt to modify the assaultive and/or dangerous conduct; e.g., turn water off, steps one through three, etc.
 - c. The date on which the BMP will become activated;
 - d. The date on which the BMP will be deactivated; and,
 - e. The signatures of the Unit Manager or designee.
3. The Unit Manager or designee will provide the inmate with a copy of the BMP Clearance Notification form, informing him of the following:
 - a. The assaultive and/or dangerous conduct he has been committing;
 - b. The appropriate conduct that is expected, and how he might achieve it;
 - c. That he will be placed on Step #1 of the BMP if he engages in any further assaultive and/or dangerous conduct;
 - d. That once he is started on Step #1 of the BMP he must successfully complete all steps of the plan before he will be returned to his pre-plan status;
 - e. What he should expect in each of the different steps of the BMP, including what will result in his return to Step #1; and,
 - f. That the BMP is not punishment, but an attempt to stop his assaultive and/or dangerous conduct, gain his compliance with appropriate expectations, and help him develop self-discipline.
4. If the inmate is presently behaving appropriately, both he and the Unit Manager or designee should sign and date the BMP Clearance Notification form, however if the inmate isn't acting appropriately, the Unit Manager or designee and a staff witness will sign it. If the inmate refuses to sign the BMP Clearance Notification form, the Unit Manager or designee will so note the inmate's refusal.
5. Copies of the BMP Clearance Notification form will be placed in the unit/mini-file and Mental Health file on the inmate.

D. Activation of a BMP

1. The inmate will be on the BMP clearance list for six months.
2. The Unit Manager or designee can place an inmate who is on the list on Step #1 of a BMP any time during the six months if the inmate engages in any further assaultive and/or dangerous conduct.
3. Inmates with serious mental illness and those under 18 will not be placed in an isolation cell as part of a BMP for longer than 72 hours with the approval of the Director of DOC or his designee (Warden or one of the Associate Wardens).

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E. Notification and Reports

1. Each time a BMP is activated the Unit Manager or designee must:
 - a. Immediately complete a *BMP Incident Report form (attachment C)*, submitting copies to the Command Post and the Mental Health Department, ensuring a copy is put in the unit/mini-file.
 - b. Notify the Shift Commander, who will notify the Warden or Duty Officer and a mental health professional.
 - c. Make the appropriate entry on the electronic BMP Log found in the 'Public' folder on the 'I' drive.
2. Each time unit staff move an inmate to a different BMP step, up or down, they must:
 - a. Document the move, and the justification for it, on an incident report. They will submit copies of the report to the Command Post and the Mental Health Department, ensuring a copy is filed in the unit/mini-file.
 - b. Make the appropriate entry on the electronic BMP Log found in the 'Public' folder on the 'I' drive.

F. Mental Health Issues during an Activated BMP

1. If any staff member notices an inmate who is on an activated BMP exhibiting any of the following symptoms, they must immediately notify the on duty unit supervisor, who must immediately notify the Shift Commander, a mental health professional, and the Infirmary:
 - a. Statements or conduct that indicates he is in imminent danger of self-harm or suicide.
 - b. Ongoing signs of severe depression, such as lack of sleep, decreased energy or motivation, or hopelessness.
 - c. Confusion including but not limited to:
 - 1) He seems unaware of where he is and what is occurring around him.
 - 2) He seems to have severe memory impairment.
 - 3) He seems unable to comprehend other people's speech and actions.
 - 4) He appears to be responding to internal stimuli, such as auditory hallucinations.
 - 5) He appears to be overly suspicious of others or their intent.
 - 6) He exhibits extremely bizarre beliefs or thoughts that other people cannot understand (for example: "I have a radio transmitter attached to my brain").
 - d. Bizarre or ritualistic conduct.
2. A mental health professional must assess the inmate's mental health condition within 24 hours when staff notify him/her under #1 above and,
 - a. The responding mental health professional shall immediately terminate the BMP if, in his/her opinion:
 - 1) The inmate's present behavior is the direct result of an Axis I serious mental illness; or
 - 2) the inmate is not knowingly, willingly and purposely engaging in the present assaultive and/or dangerous behaviors; or
 - 3) the inmate needs a higher level of mental health care or observation; or
 - 4) the inmate's mental status is presently deteriorated or deteriorating; or
 - 5) the inmate is exhibiting a heightened documented suicide risk.

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- b. The responding mental health professional will determine an appropriate placement for the inmate based on the results of the evaluation, and will submit a written report of his or her findings/recommendations/determinations to the Unit Manager or designee and the Shift Commander.

G. Activation of Step #1 when no BMP has been developed.

Staff may place an inmate on Step #1 in cases where an inmate is engaging in an episode of assaultive and/or dangerous conduct and the inmate is not on the BMP Clearance List. The following steps will be implemented:

1. Unit staff will place the inmate in a Pre-hearing Confinement (PHC) cell. The isolation/strip cell will be used if no PHC cell is available. After securing the inmate in the cell, unit staff will issue the inmate a safety gown and a safety mattress/blanket.
2. A mental health professional will be immediately contacted to get a quick assessment on whether or not the inmate's assaultive and/or dangerous behavior is the direct result of an Axis I serious mental illness. At the earliest opportunity a mental health professional must conduct a more thorough assessment by visiting with the inmate.
 - a) If the mental health professional determines the inmate's assaultive and/or dangerous behavior is the direct result of an Axis I serious mental illness, unit staff will initiate the immediate transfer of the inmate to an Infirmary isolation cell.
 - b) If the mental health professional determines the inmate's assaultive and/or dangerous behavior isn't the direct result of an Axis I serious mental illness, the inmate will remain confined to the PHC cell.
3. The person initiating the placement must document, in detail, the justification for the placement on an incident report, and distribute copies to the Warden, Associate Wardens, Command Post, Mental Health Unit, the affected Unit Management Team, and inmate's files. This person must also ensure an ADR form is completed, documenting the move, and forwarded to the CPU.
4. Unit staff shall immediately begin developing and processing a *BMP Clearance Referral form (attachment A)* for the inmate that they will activate in the event he doesn't end his dangerous and/or assaultive behavior within a few days.
5. Within 24 hours of the initial placement, and within each 24 hours thereafter, the Unit Manager, Case Manager, or Sergeant must conduct an assessment to determine whether the inmate will remain in the cell on Step #1 or be released. This person must document the justification for extending a placement or release by writing a detailed incident report and distributing copies to the Warden, Associate Wardens, Command Post, Mental Health Unit, Max Unit Management Team, and inmate's files.
6. Unit staff will serve the inmate food loaf or finger foods (on a case-by-case basis) at regularly scheduled unit feeding times.
7. The control room officer will routinely monitor the inmate in the isolation cell using the video monitor in the control room.
8. The floor officer or other unit staff will check on the inmate's activities at least hourly on first and second shifts and at least each half hour on third shift. They will note the inmate's general status on the cell check sheet. If a staff member misses a check due to responding to an emergency (flooding, inmates acting out, etc.), he/she must document the justification for the missed check by completing a detailed incident report and distributing copies to the Command Post and Unit Manager.

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9. After the first 24 hours the inmate will be given an opportunity to shower every other day on first shift using the same schedule used for PHC and detention inmates.
10. Any unclothed body searches will be conducted in the block shower.
11. The inmate will be returned to regular PHC status/housing as soon as possible. An ADR form will be completed, documenting the move, and forwarded to the CPU.

H. BMP Reviews

1. In the following situations the BMP Review Committee will review an inmate's compliance or noncompliance with a BMP using *attachment D*:
 - a) If an inmate is on Step#1 of an active BMP for seven consecutive days.
 - b) Weekly if the inmate is on any step of a BMP longer than a week.
2. The BMP Review Committee must consist of:
 - a) The Warden or designee;
 - b) A mental health professional;
 - c) The Unit Manager or designee; and
 - d) The MSP Administrative Review Committee.
3. The BMP Review Committee may change the details of an active BMP step as appropriate, but must inform the inmate, in writing, of any changes.

IV. CLOSING

Questions concerning this operational procedure will be directed to the Warden, Associate Warden of Housing, or a mental health professional.

V. ATTACHMENTS

| | |
|--|--------------|
| MSP BMP Clearance Referral form | attachment A |
| MSP BMP Clearance Notification form | attachment B |
| MSP Incident Report for BMP Activation | attachment C |
| MSP Behavior Management Plan Seventh Day Mandatory Review form | attachment D |

MSP BEHAVIOR MANAGEMENT PLAN CLEARANCE REFERRAL

Inmate: _____
Name AO/ID number Unit

Six Month Review Period: ____/____/____ to ____/____/____

Description of Dangerous and/or Assaultive Behaviors: _____

Reporting Staff Member: _____
Name (print) Title

Unit Manager: _____

BMP Approved? YES ☐ NO ☐

Mental Health Staff: _____
Name (print) Title

Copies to: Unit mini-file Command Post Mental Health Warden

MSP BEHAVIOR MANAGEMENT PLAN CLEARANCE NOTIFICATION

Inmate: _____
Name AO/ID number Unit

Dates Cleared for BMP Activation: _____ / _____ / _____ to _____ / _____ / _____

Description of dangerous and/or assaultive behaviors the inmate has engaged in so as to necessitate a BMP Clearance: _____

This is notification that you have been cleared for, and have been placed on, a Behavior Management Plan. If you engage in any further dangerous and/or assaultive behaviors during the next six months this plan will be activated.

Upon activation you will start at Step #1. All items will be removed from the cell you are housed in. You will be issued a security blanket/mattress, and a safety gown. Nothing else will be allowed to be kept in the cell. Each meal will be a serving of food loaf. If you have engaged in any previous flooding behavior, the water supply in the cell will be remotely controlled by staff. If you don't engage in any disruptive conduct for the next 48hrs you will progress to Step #2.

When you start Step #2 unit staff will issue you a pillow and exchange the safety gown with regular unit clothing. Your meals will continue to be a serving of food loaf. If you don't engage in any disruptive conduct for the next 24hrs you will progress to Step #3.

When you start Step #3, unit staff will return control of the water supply in the cell to you (if it had been removed). You will begin receiving regular meals instead of food loaf, and unit staff will replace the security blanket/mattress with regular unit bedding.

If you maintain another 24 hours of appropriate conduct the BMP will be deactivated and you will begin to receive all privileges that are approved for your custody level.

You will be offered showers every two days. You must maintain good basic hygiene and keep your cell clean the entire time. If you don't, you will start over, beginning with Step #1.

If you plug, damage, or alter any of the cells plumbing fixtures, unit staff will take control of the cell's water supply and you will be returned to Step #1.

You will not be allowed out-of-cell recreation during an active BMP plan.

You will not be allowed to attend any disciplinary hearing until you have attained at least step #3. If you are cited for a rule violation while your BMP is activated, it may be considered a voluntary refusal to attend a previously scheduled hearing, and the hearing may be held without you.

This BMP will remain in place for the entire six months and can be activated or reactivated at any time during this six month period if you engage in any assaultive and/or dangerous conduct.

I, _____, understand that I have been cleared for, and have been placed on a Behavior Management Plan (BMP) for the next six months, and that if I engage in any dangerous and/or assaultive behaviors this BMP will be activated as explained above. I understand that if I don't engage in any dangerous and/or assaultive conduct for the next six months this BMP will not be activated.

Inmate: _____
Signature AO/ID # Date

Unit Staff: _____
Signature Title Date

Copies to: Unit mini-file Command Post Mental Health Warden Inmate Records

MSP Incident Report for BMP Activation

1. Inmate: _____
Name AO/ID number Classification

2. Location: ☐ Max cellblock _____ ☐ Close Unit III cellblock _____

3. Is this inmate on the current BMP clearance list? YES ☐ NO ☐

Start date: ____/____/____ End Date: ____/____/____

If not on BMP clearance list initiate a section G.

4. Date and time of incident: ____/____/____ _____ hrs.

5. Nature of incident:

☐ Inmate-on-inmate assault ☐ Inmate-on-staff assault ☐ Flooding cell ☐ Self-harm behavior

☐ Destruction of state property ☐ Other: _____

Description of incident: _____

6. Use of Force required? YES ☐ NO ☐

If use of force was required was it ☐ Emergent or ☐ Calculated?

(for details refer to Use of Force Incident Reports)

7. Name of the Command Post staff member who was contacted regarding plan activation: _____
Time this person was contacted: _____ hrs.

8. Placement: ☐ Remain in current cell ☐ Pre-hearing Confinement pending further review ☐ Isolation cell

9. Did the Shift Commander notify the on-call mental health professional and Warden or Duty Officer?

YES ☐ NO ☐

Staff Member Date

MSP BEHAVIOR MANAGEMENT PLAN SEVENTH DAY MANDATORY REVIEW

Inmate: _____

MSP ID/AO# _____

Unit: _____

Cell: _____

1. Administrative Review Committee reviewed plan on this date:

Date: ____ / ____ / ____ Comments _____

Committee membership: _____

Date: ____ / ____ / ____ Comments _____

Committee membership: _____

Date: ____ / ____ / ____ Comments _____

Committee membership: _____

Date: ____ / ____ / ____ Comments _____

Committee membership: _____

2. Are changes in the plan needed? YES ☐ NO ☐

If yes, what aspects of the plan have been changed?

Warden or designee

Date

Mental Health Professional

Date